

UNITED STATES DISTRICT COURT

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for

Nov 30, 2022

Eastern District of Washington

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Preston, Mark A.

Docket No.

0980 2:22CR00133-TOR-16

Petition for Action on Conditions of Pretrial Release

COMES NOW Chris Heinen, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Mark A. Preston, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge, Alexander C. Ekstrom, sitting in the Court at Spokane, Washington, on the 28th day of September 2022, under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Mr. Mark A. Preston is alleged to have violated standard condition number 8 by ingesting both marijuana and methamphetamine, occurring on or about November 9, 2022, based on both urinalysis testing and his admission of such use.

On September 30, 2022, the conditions of pretrial release supervision were reviewed with Mr. Preston. He acknowledged an understanding of his conditions, which included standard condition number 8.

Specifically, on November 9, 2022, Mr. Preston reported to Pioneer Human Services in Spokane, to participate in random urinalysis testing as required and directed. Mr. Preston subsequently provided a urinalysis sample that tested presumptive positive for both methamphetamine and marijuana. A drug use denial form was later received in which the client signed his name denying use of any illicit substance as indicated during testing. The sample was packaged and forwarded to the lab for verification.

On November 15 and 16, 2022, the lab results specific to the aforementioned sample were received by the U.S. Probation Office, confirming the urinalysis sample submitted by Mr. Preston as positive for marijuana, but negative for methamphetamine. On November 16, 2022, Mr. Preston was contacted by the undersigned officer telephonically at which time Mr. Preston admitted to ingesting both marijuana and methamphetamine, having taken a "few puffs" of each prior to testing, although he indicated that he thought his use had occurred later in the week, on or about Thursday, November 10, 2022. Mr. Preston clarified he had not used beyond a single occasion.

Mr. Preston indicated again succumbing to his addiction after becoming overwhelmed in current circumstances. Mr. Preston further indicated that he felt both ill and worse about current circumstances after the relapse, and he committed to not using either substance further. Mr. Preston was also verified to have become engaged in outpatient chemical dependency services with Pioneer Human Services in Spokane, as of November 17, 2022, and he is currently being reassessed as to his proper level of care, given his recent established relapse occurring after assessment. Mr. Preston was admonished for his use of illicit substances and he was advised that further identified noncompliance would result in a recommendation that he appears before the Court and he stated his understanding.

Mr. Preston indicated he felt that he could maintain his sobriety in the community now that he had access to outpatient chemical dependency treatment services.

Re: Preston, Mark A.

November 28, 2022

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PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: November 28, 2022

by s/Chris Heinen

Chris Heinen
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/30/22

Date